

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

645

CA 23-01072

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, DELCONTE, AND HANNAH, JJ.

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COHEN & LOMBARDO, P.C., PLAINTIFF-APPELLANT,

V

ORDER

DANIEL R. CONNORS AND JAMES J. NASH,  
DEFENDANTS-RESPONDENTS.

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DANIEL R. CONNORS AND JAMES J. NASH,  
PLAINTIFFS-RESPONDENTS,

V

ROCCO LUCENTE, II, KATHERINE J. BESTINE AND  
TERRIE BENSON MURRAY, DEFENDANTS-APPELLANTS.

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CONNORS LLP, BUFFALO (VINCENT E. DOYLE, III, OF COUNSEL), FOR  
PLAINTIFF-APPELLANT AND DEFENDANTS-APPELLANTS.

WEBSTER SZANYI LLP, BUFFALO (THOMAS S. LANE OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS AND PLAINTIFFS-RESPONDENTS.

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Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered May 2, 2023. The order and judgment, inter alia, granted that part of the motion of defendants Daniel R. Connors and James J. Nash seeking summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on June 7 and 14, 2024,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: September 27, 2024

Ann Dillon Flynn  
Clerk of the Court